United Nations A/70/537–S/2015/836

General Assembly
Security Council

Distr.: General
4 November 2015

Original: English

General Assembly
Seventieth session
Agenda items 35 and 40

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Security Council
Seventieth year

Letter dated 3 November 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a press release by the Ministry of Foreign Affairs of the Republic of Azerbaijan dated 31 October 2015 in connection with the recent provocations committed by the armed forces of the Republic of Armenia (see annex).

On 27 October 2015, during the monitoring exercise conducted near the Tartar district of the Republic of Azerbaijan under the mandate of the Personal Representative of the Organization for Security and Cooperation in Europe (OSCE) Chairman-in-Office, there was repeated gunfire from the occupied territories controlled by Armenia's armed forces in the direction of the positions of the armed forces of the Republic of Azerbaijan. The incident forced the OSCE monitoring team to seek the protection of the Azerbaijani armed forces.

These provocative acts are yet another vivid example of Armenia's flagrant violation of the ceasefire regime and its deliberate policy of aggravating the situation on the ground. The sole responsibility for the deterioration of the situation and its consequences lies with the Republic of Armenia, the aggressor and occupying State.

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 35 and 40, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

15-19249 (E) 091115

Please recycle

Annex to the letter dated 3 November 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Press release by the Ministry of Foreign Affairs of the Republic of Azerbaijan

31 October 2015

On 27 October 2015, upon initial agreement, the Organization for Security and Cooperation in Europe (OSCE) Minsk Group Co-Chairs passed from the occupied territories of Azerbaijan through the line of contact between the armed forces of Armenia and Azerbaijan to the territories controlled by the Azerbaijan army. At that very moment, a ceasefire monitoring exercise was being conducted by the Personal Representative of the OSCE Chairman-in-Office and his field officers on the road between Tartar and Aghdara (Tartar district of Azerbaijan). Despite prior agreement to undertake measures to ensure the safety of the OSCE personnel, there was repeated gunfire from the occupied territories controlled by Armenia's armed forces in the direction of the positions of the armed forces of the Republic of Azerbaijan. The incident forced the OSCE monitoring team to seek the protection of the Azerbaijani armed forces.

According to the representatives of the Ministry of Defence of the Republic of Azerbaijan, who were on the ground at the time of the incident, the OSCE team immediately contacted the opposite side to have the fire halted and to renew guarantees to hold fire. It is regrettable that, despite the obvious source and direction from which shots were fired, the Co-Chairs did not find space in their statement of 29 October 2015 to properly reflect the incident and did not name the violator. However, that does not relieve the Armenian side of the responsibility for this and other numerous provocations.

The Republic of Azerbaijan shares the assessment of the Co-Chairs that this incident represents a deliberate attempt to undermine efforts towards a settlement. Azerbaijan has repeatedly brought to the attention of the international community that, over the past years and specifically since January 2015, ceasefire violations and armed provocations by the Armenian side have become more frequent and violent, causing, inter alia, deaths and injuries among Azerbaijani civilians, including women and children. Ahead of the next round of talks in New York in September 2015, Armenia's armed forces dramatically intensified ceasefire violations, using mortars and large-calibre machine guns and artillery and specifically targeting Azerbaijani civilians living in the areas along the line of contact.

It is worth recalling that, just after another round of talks between the Presidents of Azerbaijan and Armenia in Paris on 27 October 2014, arranged by the President of the French Republic, Francois Hollande, on 6 November 2014 the armed forces of Armenia started large-scale military exercises in the occupied territories of Azerbaijan. On 12 November 2014, two Mi-24 attack helicopters of the air forces of the Republic of Armenia, which were also deployed for the military exercises, approached and made attack manoeuvres in the immediate vicinity of the positions of the armed forces of Azerbaijan in the occupied Aghdam district of Azerbaijan. In response to this attack, one of the helicopters was shot down.

Consistent and deliberate provocations by the Armenian side pursue the obvious goal to create an explosive situation on the ground, undermine the efforts for the political resolution of the conflict and consolidate the status quo of occupation.

The Republic of Azerbaijan once again demands that the Armenian side put an end to its provocations, engage constructively in the conflict settlement process, comply with its international obligations and withdraw its armed forces from the territories of Azerbaijan.

United Nations A/70/538

General Assembly

Distr.: General
4 November 2015

Original: English

Seventieth session
Agenda items 114 (g) and (h)
Appointments to fill vacancies in subsidiary organs and other appointments:

Appointment of the judges of the United Nations Dispute Tribunal

Appointment of the judges of the United Nations Appeals Tribunal

Appointment of judges of the United Nations Appeals Tribunal and of the United Nations Dispute Tribunal

Memorandum by the Secretary-General

I. Introduction

1. By its resolution 62/228 on administration of justice at the United Nations, the General Assembly decided, among other things, to establish a two-tier formal system of administration of justice, comprising a first-instance United Nations Dispute Tribunal and an appellate-instance United Nations Appeals Tribunal.

2. In the same resolution, the General Assembly decided that the judges of the Tribunals were to be appointed by the Assembly on the recommendation of the Internal Justice Council.

3. The statutes of the Tribunals were adopted by the General Assembly in its resolution 63/253. The statute of the Appeals Tribunal was subsequently amended in resolutions 66/237 and 69/203. The statute of the Dispute Tribunal was subsequently amended in resolution 69/203.

4. By its decisions 63/417 A, 63/417 B and 63/418, the General Assembly appointed the judges of the Tribunals on the basis of the recommendations of the Council (see A/63/489 and Add.1) and pursuant to the procedures outlined by the Secretary-General (see A/63/700 and Add.1 and A/63/701 and Add.1). The Tribunals became operational on 1 July 2009.

5. The following seven judges are currently serving on the United Nations Appeals Tribunal: Sophia Adinyira (Ghana), Rosalyn M. Chapman (United States of America), Mary Faherty (Ireland), Richard Lussick (Samoa), Luis María Simón

Please recycle

(Uruguay), Deborah Thomas-Felix (Trinidad and Tobago) and Inés Weinberg de Roca (Argentina).

6. Effective 30 June 2016, the terms of office of four of those Judges will expire: Judge Weinberg, Judge Simón, Judge Adinyira and Judge Faherty.

7. The following eight judges are currently serving on the United Nations Dispute Tribunal: Vinod Boolell (Mauritius), Rowan Downing (Australia), Memooda Ebrahim-Carstens (Botswana), Alessandra Greceanu (Romania), Nkemdilim Amelia Izuako (Nigeria), Thomas Laker (Germany), Goolam Hoosen Kader Meeran (United Kingdom of Great Britain and Northern Ireland) and Coral Shaw (New Zealand).

8. Effective 30 June 2016, the terms of office of the following three judges will expire: Judge Boolell (full-time judge based in Nairobi), Judge Laker (full-time judge based in Geneva) and Judge Shaw (half-time judge).

9. It is therefore necessary for the General Assembly, during its seventieth session, to take the following actions:

(a) Appoint four judges to the United Nations Appeals Tribunal for a term of seven years starting on 1 July 2016;

(b) Appoint a full-time judge to the United Nations Dispute Tribunal based in Geneva for a term of seven years starting on 1 July 2016;

(c) Appoint a full-time judge to the United Nations Dispute Tribunal based in Nairobi for a term of seven years starting on 1 July 2016;

(d) Appoint a half-time judge to the United Nations Dispute Tribunal for a term of seven years starting on 1 July 2016.

II. Internal Justice Council

10. In its report (A/70/190), the Council recommended to the General Assembly eight candidates for the four vacant positions in the Appeals Tribunal and two candidates for each of the three vacant positions in the Dispute Tribunal. The names of those candidates are indicated in the report and reproduced in paragraphs 13 to 15 of the present memorandum.

11. A full public process was instituted, in accordance with paragraph 45 of General Assembly resolution 65/251, to identify suitable candidates for presentation to the Assembly. The Council received 182 applications from 51 countries and, following a review of all applications, invited 39 candidates to take a common written examination to test their legal expertise and drafting ability. All 39 candidates responded to the invitation and submitted their answers. On the basis of the written test, the Council selected 24 applicants for interviews. In addition, three candidates who had taken the written assessment during a previous selection exercise, in 2014, and who had been interviewed and found qualified by the Council were also invited for interviews.

12. As it had done for the previous rounds of judicial appointments, and with the permission of the recommended candidates, the Council approached the relevant national bar associations for confirmation of the integrity of each candidate called to an interview. Written references were also obtained for each candidate.

13. The eight candidates recommended by the Council for appointment to the vacancies on the Appeals Tribunal, in alphabetical order, are:

(a) Joëlle Adda (France);

(b) Constance Darlene Hunt (Canada);

(c) Sabine Knierim (Germany);

(d) Fiona Monk (United Kingdom of Great Britain and Northern Ireland);

(e) John Raymond Murphy (South Africa);

(f) Dimitrios Raikos (Greece);

(g) Martha Halfeld Furtado de Mendonça Schmidt (Brazil);

(h) Boštjan Zalar (Slovenia).

14. The candidates recommended by the Council for full-time appointment to the Dispute Tribunal in Nairobi and Geneva, in alphabetical order, are:

Geneva

(a) Teresa Maria da Silva Bravo (Portugal);

(b) Vincent Cador (France).

Nairobi

(a) Agnieszka Klonowiecka-Milart (Poland);

(b) Fredrick Indran X. A. Nicholas (Malaysia).

15. The two candidates recommended by the Council for half-time appointment to the Dispute Tribunal, in alphabetical order, are:

(a) Alexander W. Hunter, Jr. (United States of America);

(b) Valérie Laemmel-Juillard (Switzerland).

16. The candidates' curricula vitae are provided in annexes II and III to document A/70/190.

III. Procedure in the General Assembly

17. The appointment of the judges of the Appeals Tribunal will be made in accordance with:

(a) The statute of the Appeals Tribunal;

(b) The rules of procedure of the General Assembly;

(c) The recommendations of the Internal Justice Council as set out in its report to the General Assembly (A/70/190).

18. The appointment of judges to the Appeals Tribunal is addressed in article 3 of its statute, which states as follows:

"1. The Appeals Tribunal shall be composed of seven judges.

"2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

"3. To be eligible for appointment as a judge, a person shall:

"(a) Be of high moral character and impartial; and

"(b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years;

"(c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal.

"4. A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal."

19. The appointment of full-time judges and a half-time judge to the Dispute Tribunal will be made in accordance with:

(a) The statute of the Dispute Tribunal;

(b) The rules of procedure of the General Assembly;

(c) The recommendations of the Internal Justice Council as set out in its report to the General Assembly (A/70/190).

20. The appointment of judges to the Dispute Tribunal is addressed in article 4 of its statute, which states as follows:

"1. The Dispute Tribunal shall be composed of three full-time judges and two half-time judges.

"2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

"3. To be eligible for appointment as a judge, a person shall:

"(a) Be of high moral character; and

"(b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.

"4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed

to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal."

21. It is proposed that the General Assembly proceed to appoint the judges through an election, held pursuant to the rules of procedure of the Assembly, bearing in mind paragraph 58 of Assembly resolution 63/253, in which the Assembly invited Member States, when electing judges to the Tribunals, to take due consideration of geographical distribution and gender balance.

22. Only those candidates recommended by the Internal Justice Council whose names appear in the present memorandum are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing a cross against each name on the ballot papers. Each elector may vote for no more than four candidates for the four vacant positions in the Appeals Tribunal and no more than one candidate for each of the three vacant positions in the Dispute Tribunal.

23. Those candidates who obtain the highest number of votes, and a majority of votes in the General Assembly of the members present and voting, will be considered to be elected and thereby appointed by the Assembly to the Tribunals.

24. Balloting shall continue in accordance with the rules of procedure until as many candidates as are required to fill the vacant positions in the Appeals and Dispute Tribunals have obtained, in one or more ballots, a majority of votes of the members present and voting.

United Nations A/70/539

General Assembly

Distr.: General
6 November 2015

Original: English

Seventieth session
Agenda item 114 (a)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Advisory Committee on Administrative and Budgetary Questions

Report of the Fifth Committee

Rapporteur: Mr. Gert **Auväärt** (Estonia)

1. At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventieth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Advisory Committee on Administrative and Budgetary Questions" and to allocate it to the Fifth Committee.

2. At its 13th meeting, on 6 November 2015, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions that would occur as a result of the expiration of the term of office of five of its members on 31 December 2015 (A/70/101);

(b) Note by the Secretary-General containing the names of six persons nominated by their respective Governments for appointment or reappointment to the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2016 (A/C.5/70/5).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint Ihor Humennyi (Ukraine), Conrod Hunte (Antigua and Barbuda), Babou Sene (Senegal) and Tesfa Alem Seyoum (Eritrea) as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2016 (see para. 6).

4. Also at the same meeting, the Committee selected, by secret ballot, one person from the two candidates nominated by the Asia-Pacific States. The result of the voting was as follows:

15-19431 (E) 061115

Please recycle

Number of ballots cast:	182
Invalid ballots:	0
Number of valid ballots:	182
Abstentions:	2
Number of members present and voting:	180
Required majority:	91
Number of votes obtained:	
Eihab Omaish (Jordan)	129
Mohanad Ali Omran Al-Musawi (Iraq)	51

5. Having obtained the required majority, Eihab Omaish (Jordan) was recommended for appointment as a member of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2016 (see para. 6).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2016:

Ihor Humennyi (Ukraine)
Conrod Hunte (Antigua and Barbuda)
Eihab Omaish (Jordan)
Babou Sene (Senegal)
Tesfa Alem Seyoum (Eritrea)

United Nations A/70/540

General Assembly

Distr.: General
6 November 2015

Original: English

Seventieth session
Agenda item 114 (b)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions

Report of the Fifth Committee

Rapporteur: Mr. Gert **Auväärt** (Estonia)

1. At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventieth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions" and to allocate it to the Fifth Committee.

2. At its 13th meeting, on 6 November 2015, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the Committee on Contributions that would occur as a result of the expiration of the term of office of six of its members on 31 December 2015 (A/70/102);

(b) Note by the Secretary-General containing the names of six persons nominated by their respective Governments for appointment or reappointment to the Committee on Contributions for a three-year term of office beginning on 1 January 2016 (A/C.5/70/6).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint Syed Yawar Ali (Pakistan), Jasminka Dinić (Croatia), Edward Faris (United States of America), Toshiro Ozawa (Japan), Tõnis Saar (Estonia) and Josiel Motumisi Tawana (South Africa) as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2016 (see para. 4).

15-19433 (E) 091115

Please recycle

Recommendation of the Fifth Committee

4. The Fifth Committee recommends that the General Assembly:

Appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2016:

Syed Yawar Ali (Pakistan)
Jasminka Dinić (Croatia)
Edward Faris (United States of America)
Toshiro Ozawa (Japan)
Tõnis Saar (Estonia)
Josiel Motumisi Tawana (South Africa)

United Nations A/70/541

General Assembly

Distr.: General
6 November 2015

Original: English

Seventieth session
Agenda item 114 (d)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors

Report of the Fifth Committee

Rapporteur: Mr. Gert **Auväärt** (Estonia)

1. At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventieth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors" and to allocate it to the Fifth Committee.

2. At its 13th meeting, on 6 November 2015, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning a vacancy in the membership of the Board of Auditors that would occur as a result of the expiration of the term of office of one of its members on 30 June 2016 (A/70/104);

(b) Note by the Secretary-General in which he reported that the Government of Germany had nominated the German Supreme Audit Institution for appointment as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2016 (A/C.5/70/7).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint the German Supreme Audit Institution as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2016 (see para. 4).

Recommendation of the Fifth Committee

4. The Fifth Committee recommends that the General Assembly appoint the German Supreme Audit Institution as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2016.

15-19434 (E) 061115

Please recycle